

## **EXHIBIT C**

**Maria L. Nixon**

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**From:** Thomas Ferlauto <tmf@lawofficetmf.com>  
**Sent:** Thursday, May 18, 2023 1:29 PM  
**To:** Molshree Gupta  
**Cc:** Maria L. Nixon; Patrick Stockalper; Barbara Ezra  
**Subject:** Re: Assif v County of Los Angeles; Notice of Deposition Kelly

**Importance:** High

Ms. Gupta:

My wife has reminded me that my youngest son's high school graduation ceremony is on June 1. It should not interfere with the deposition of Ms. Nobel in the morning, but I will not be able to take the County PMK that afternoon. You referred to this witness as the "traffic stop PMK." In the future, please refer to the issue numbers as set forth in the deposition notice so that I know what I am being offered with each witness. As stated previously, I would prefer to set all of the County witnesses on a single day. If we need to schedule it after the June 2 mediation that would not be ideal, but it would be preferable to piecemeal depositions over several days.

Thanks,

Tom

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On May 17, 2023, at 2:41 PM, Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)> wrote:

The traffic stop PMK is available on June 1, 2023 in the afternoon. Since we will already be in El Segundo for Plt's expert's deposition that morning, do you want to just do that one in our office that afternoon?

<image001.jpg>

Molshree Gupta  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**

---

**From:** Molshree Gupta  
**Sent:** Wednesday, May 17, 2023 10:01 AM  
**To:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>; Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Cc:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>; Barbara Ezra <[bezra@kmslegal.com](mailto:bezra@kmslegal.com)>  
**Subject:** RE: Assif v County of Los Angeles; Notice of Deposition Kelly

Thank you for working with us on this.  
Can we at least confirm the 5/25 depo at 1 pm so we can lock it down with that witness?

I am in communication with the rest and should have those dates to you shortly.

As I previously advised, we are maintaining the objection to category #9.

Thanks,  
<image001.jpg>

Molshree Gupta  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**

---

**From:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Sent:** Wednesday, May 17, 2023 9:57 AM  
**To:** Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Cc:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>; Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>;  
Barbara Ezra <[bezra@kmslegal.com](mailto:bezra@kmslegal.com)>  
**Subject:** Assif v County of Los Angeles; Notice of Deposition Kelly

Counsel:

Attached please find the notice of deposition for Defendant Kelly on May 30 at 10:00 a.m. in Santa Monica.

I am still awaiting available dates for the PMK at COLA. I recognize that you provided the afternoon of May 25 for the PMK on issues 7 and 8, but you still have not provided me dates for the PMK on issues 1-6 and issue 9. This deposition notice was first served in March. Certainly, over the past seven and a half weeks you have had an opportunity to confer with your client and identify the appropriate witnesses for those issues. I would like you to provide me with dates for all of these witnesses, preferably on the same day, but we will make whatever reasonable accommodations are necessary for the witnesses' schedules. However, until you offer me dates, we have nothing to work with.

Sincerely

Thomas M. Ferlauto

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On May 16, 2023, at 12:13 PM, Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)> wrote:

Dear Counsel:

Sgt. Kelly is available for his deposition on either May 26 or May 30.

Regards,

<image002.jpg>

Maria Nixon  
Legal Assistant/Paralegal to  
Molshree Gupta, Esq.  
Carina M. Jordan, Esq.  
**KJAR, McKENNA & STOCKALPER, LLP**  
841 Apollo Street, Suite 100  
El Segundo, California 90245  
424-217-3026 - Main No. (Ext. 1099)  
424-369-8664 - Direct  
424-367-0400 - Fax No.  
424-369-8566 - Direct Fax No.  
[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)

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**From:** Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>  
**Sent:** Tuesday, May 16, 2023 8:33 AM  
**To:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Cc:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>; Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Subject:** RE: Assif v County of Los Angeles  
**Importance:** High

The County can produce the most knowledgeable witness as to the below categories on May 25, 2023 **at 1 pm in Santa Monica** :

- a) The supervision of Defendant Kelly on September 24, 2021.
- b) The investigation into Defendant Kelly's conduct in the incident that is the subject matter of this litigation and that took place on September 24, 2021.

That is the only day between 5/22 and 6/1 which works for this witness' schedule. Please advise ASAP whether this will work for you.

Thanks,  
<image003.jpg>

Molshree Gupta  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**

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**From:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Sent:** Monday, May 15, 2023 10:28 AM  
**To:** Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>  
**Cc:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>; Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Subject:** Re: Assif v County of Los Angeles  
**Importance:** High

I gave you dates. May 22 through June 1.

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On May 15, 2023, at 7:44 AM, Molshree Gupta  
<[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)> wrote:

Please provide dates which work for your calendar, and we will run them by the witnesses ASAP.

Thanks,

<image001.jpg>

Molshree Gupta  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**

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**From:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>  
**Sent:** Saturday, May 13, 2023 11:24 AM  
**To:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Cc:** Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>; Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Subject:** RE: Assif v County of Los Angeles

That's fine. I was not jockeying for something here – just offering up another space.

<image001.jpg>

Patrick Stockalper  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**  
841 Apollo Street, Suite 100  
El Segundo, California 90245  
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---

**From:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Sent:** Saturday, May 13, 2023 11:23 AM  
**To:** Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>  
**Cc:** Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>; Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>  
**Subject:** Re: Assif v County of Los Angeles

The depositions will either be in my office or at the law office of Philip Kent Cohen (in Santa Monica) who will be associated into this case and will be trying the case with me.

Thank you

---

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On May 13, 2023, at 11:13 AM, Patrick Stockalper  
<[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)> wrote:

Tom: I would think we can also do depositions in our El  
Segundo office.

<image001.jpg>

Patrick Stockalper  
Partner  
**KJAR, McKENNA & STOCKALPER, LLP**  
841 Apollo Street, Suite 100

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---

**From:** Thomas Ferlauto <[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>

**Sent:** Saturday, May 13, 2023 11:10 AM

**To:** Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>

**Cc:** Maria L. Nixon <[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>; Patrick Stockalper <[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>

**Subject:** Re: Assif v County of Los Angeles

**Importance:** High

Ms. Gupta:

Please provide dates of availability for your witnesses for in-person depositions on dates when they will not have unreasonable time constraints. As I said, we should assume a 7 hour deposition. A Zoom deposition will not be acceptable. My calendar is hectic at the moment, but I will work with you to get these depositions done in a proper manner on two separate dates between May 22 and June 1. If traveling to Orange County is an issue, we can hold the depositions at an office in Santa Monica.

Thank you,

Thomas M. Ferlauto

---

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On May 12, 2023, at 6:08 PM, Molshree Gupta <[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)> wrote:

Please see the attached court order stating the parties may choose to informally agree to take depositions beyond the discovery cut-off date.

- We suggest you proceed with the depositions of Defendants, we will provide all depo availability as it becomes available.
- We plan to vehemently oppose any attempts to obtain sanctions for failure to produce witnesses. I remind you that you signed a stipulation acknowledging that you unilaterally noticed the depositions to proceed at the discovery cut-off before these dates were moved.
- For the PMK I previously offered on 5/18, **I can also do it on 5/25 at 1 pm if we do it by Zoom** (I have a mediation from 10 to 1 pm that morning so I cannot make it to OC in time)
  - Please advise whether you will agree and I will contact the witness to confirm right away
  - We will agree to go later than 5 pm to complete this deposition.

For Sgt. Kelly, please confirm you will take this via Zoom in consideration of

his medical condition. Please see his declaration in support.

For the PMK depos, please reconsider your position re in-person deposition. That is a big imposition on the LASD personnel. Otherwise, we will submit this issue to the magistrate for a protective order).

Thanks,  
<image001.jpg>

Molshree Gupta  
Partner  
**KJAR, McKENNA & STOCKALPER,  
LLP**

---

**From:** Thomas Ferlauto  
<[tmf@lawofficetmf.com](mailto:tmf@lawofficetmf.com)>  
**Sent:** Friday, May 12, 2023 3:44 PM  
**To:** Molshree Gupta  
<[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)>  
**Cc:** Maria L. Nixon  
<[mnixon@kmslegal.com](mailto:mnixon@kmslegal.com)>; Patrick  
Stockalper  
<[pstockalper@kmslegal.com](mailto:pstockalper@kmslegal.com)>  
**Subject:** Re: Assif v County of Los  
Angeles  
**Importance:** High

Ms. Gupta:

The discovery cut-off was May 10. A court order based on a showing of "good cause" is required to depose a witness after the discovery "cut-off" ordered by the court. The parties' stipulation is not sufficient. [See FRCP 29(b)] We will need to wait to see how the Court rules on your application before we can set dates for a deposition. Also, I already have a deposition scheduled in another matter for May 18. Plus, a Zoom deposition is not acceptable. I would like an in person deposition like you required for Plaintiff and as you require for Mr. Nobel. I cannot estimate the length of a deposition until I hear answers. It is best to assume 7 hours.

Thank you,

Thomas M. Ferlauto

---

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On May 12, 2023, at  
3:26 PM, Molshree  
Gupta  
<[mgupta@kmslegal.com](mailto:mgupta@kmslegal.com)> wrote:

The County can  
produce the most  
knowledgeable witness  
as to the below  
categories on May 18,  
2023 **via Zoom**:  
a) The supervision of  
Defendant Kelly on  
September 24, 2021.  
b) The investigation  
into Defendant Kelly's  
conduct in the incident  
that is the subject  
matter of this litigation  
and that took place on  
September 24, 2021.

Please advise ASAP if  
that will work, and we  
have other conflicting  
depositions that day we